

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

LEAGUE OF CONSERVATION VOTERS, et al.,)
)
Plaintiffs,) Case No. 3:17-cv-00101- SLG
)
v.)
)
DONALD J. TRUMP, et al.,)
)
Defendants.)
_____)

**[PROPOSED] ORDER RE DEFENDANTS' MOTION TO DISMISS PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 12(b)**

Upon consideration of the Defendants' motion to dismiss the complaint for lack of jurisdiction and failure to state a claim for relief, the supporting papers, and any opposition, the Court hereby ORDERS that the Motion is GRANTED and the court further finds:

1. Plaintiffs have failed to identify any private right of action or waiver of sovereign immunity that would allow the Court to review their claims. Accordingly, Plaintiffs have failed to assert a claim upon which relief can be granted.
2. Plaintiffs have not stated a claim for relief that can be granted because injunctive and declaratory relief are not available against the President of the United States in these circumstances.
3. Plaintiffs claims are unripe because any actual oil and gas development within the affected area could only occur after further agency action, and any such action would be subject to public comment and, if properly sought, judicial review.

4. Plaintiffs lack standing to bring these claims because none of the areas at issue in this case has been identified for oil and gas exploration or leasing activities. Plaintiffs, therefore, cannot demonstrate a specific harm to any single member of their organizations. In addition, Plaintiffs' broad concerns regarding the way in which the government is administered are too general to give rise to standing because they affect all citizens equally and therefore are not particular to the Plaintiffs.

SO ORDERED this ____ day of _____, 2017.

SHARON L. GLEASON
U.S. DISTRICT COURT JUDGE